

Remarks**I. 35 U.S.C. § 101**

In the Office Action, the Examiner has rejected Claims 33-42, 45-47, 65-74, and 77-79 based on 35 U.S.C 101, as not being directed to a patent eligible process. Applicant notes the cancellation of Claims 65-74 and 77-79. With respect to independent Claim 33, upon which the remaining claims that are the subject of this rejection depend, Applicant has amended both the preamble and body of independent Claim 33, to clarify that the method is “computer-implemented” and practiced “utilizing a computer,” and thus tying the claimed invention to another statutory class.

II. Rejections Based on 35 U.S.C. § 103**a. Claims 33-42, 45-47, 49-58, 61-63, 65-74, 81-89, and 92-94**

In the Office Action, the Examiner rejected Claims 33-42, 45-47, 49-58, 61-63, 65-74, 81-89, and 92-94 as being unpatentable over the four-reference combination of Kara (U.S. Patent No. 6,233,568), Manduley (U.S. Patent No. 5,324,893), Sansone (U.S. Patent No. 5,019,991), and Official Notice. Applicant notes the cancellation, without prejudice or disclaimer, of Claims 65-74. With respect to the remaining claims that are the subject of this rejection, Applicant respectfully traverses.

Applicant notes the inclusion in independent Claims 33, 49 and 81 of “transmitting a postage payment adjustment amount to the customer account based on a comparison between the first and second postage values, wherein transmitting the postage payment adjustment amount further comprises: requesting additional payment when the second postage value is greater than the first postage value, and generating a credit when the second postage value is less than the

first postage value.” The Office Action relies upon Manduley and Sansone for the feature of requesting additional payment when the second postage value is greater than the first postage value. With respect to the credit generation feature, the Office Action acknowledges that this is not taught in either of these references, and instead seeks to take “Official Notice . . . that it is old and well known to credit customer’s account in the event of overpayment.” Office Action, p. 6.

Applicant respectfully submits that it is not old and well known to credit a *postal* customer’s account in the event of an overpayment where a customer has determined postage value and that value is later checked by a postal service, as herein claimed. This is evidenced by the lack of any such teaching in any of the three postal system references (Kara, Manduley and Sansone) cited herein. In this regard, and as expressly taught in Manduley and Sansone and as acknowledged in the Office Action, the concept of requiring additional payment from the customer in the event of an *underpayment* is based on the desire to “avoid returning mail to the customer when the customer’s account has to be adjusted.” Office Action, p. 6.

However, in the overpayment context, the desire to avoid returning mail to the customer does not apply -- here, the service would be benefited by an overpayment, and would have no need to return mail to the customer. The overpayment adjustment satisfies a different need entirely. Rather than avoiding the returning of incorrectly posted mail, it serves to incentivize mailers to utilize a self-postage option, with the knowledge that they will be credited in the event of an overpayment, and not penalized for having performed these steps themselves -- thereby saving the postal service the expense associated with performing these services without customer involvement. Seen in this light, it would not be obvious to combine the underpayment adjustment utilized in a postal context with an overpayment credit feature from other art fields.

Accordingly, Applicant respectfully submits that amended independent Claims 33, 49 and 81 are not obvious and are patentable over the cited four-reference combination. Rejected claims 34-42, 45-47, 50-58, 61-63, 82-89, and 92-94 depend directly or indirectly from one of these independent claims. Applicant respectfully submits that for the same reasons that Claims 33, 49 and 81 are patentably distinguishable from the prior art, Claims 34-42, 45-47, 50-58, 61-63, 82-89, and 92-94 are also patentably distinguishable.

b. Claims 33-42, 45-47, 49-58, 61-63, 65-74, 81-89, and 92-94

In the Office Action, the Examiner rejected Claims 33-42, 45-47, 49-58, 61-63, 65-74, 81-89, and 92-94 as being unpatentable over the four-reference combination of Ramsden (U.S. Patent No. 6,105,404), Manduley (U.S. Patent No. 5,324,893), Sansone (U.S. Patent No. 5,019,991), and Official Notice. Applicant notes the cancellation, without prejudice or disclaimer, of Claims 65-74. With respect to the remaining claims that are the subject of this rejection, Applicant respectfully traverses on the same grounds set forth above, inasmuch as the Ramsden reference is acknowledged as not teaching either of the claimed overpayment or underpayment adjustment features. See Office Action, p. 8.

II. Conclusion

In conclusion, Applicant respectfully submits that this Amendment, including the amendments to the Claims and in view of the Remarks provided in connection therewith, fully responds to all aspects of the Examiner's objections and rejections tendered in the Office Action. Applicant therefore earnestly solicits the issuance of a Notice of Allowance with respect to Claims 33-42, 45-47, 49-58, 61-63, 81-89, and 92-94.

If there are any fees incurred by this Amendment, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,

Dated: September 28, 2009

/Jeffrey Weiss/

Jeffrey Weiss
Reg. No.45,207